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March 27, 2006
Apl. # 10/720.232

Mr. Adeel Haroon
Primary Examiner
U.S. Dept. of Commerce
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Mr. Haroon:

To save us both time, the following question will answer whether I am just wasting your time and mine in pursuing Patent Application #10/720.232. At age 82 and being of poor health and in the process of having MRI and Cat Scans for cancer, I am not in a position to attempt to research endless library books on patent procedure. I am also not in a position to afford to hire a patent attorney to assist me in this effort. I am well aware that you are only following Patent Office rules and procedure—rules and procedures that Congress makes. I had read where the Patent attorneys have made it all but impossible to obtain a patent without their assistance.

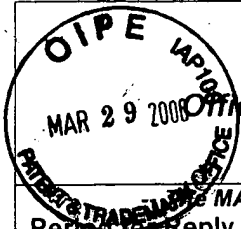
My question is: Is it possible to obtain a patent for a Homeland Security FM Emergency Radio Receiver that contains no new electronic technology, only a combination of existing electronic circuits that when put together fulfill a need that has not been addressed to date?

The emergency receiver I envision is unique in that it can be left on 24 hours a day, and does not make a sound unless a message is transmitted by the Homeland Security Administration or by local government agencies. It will allow you to select any one of five Homeland Security frequencies (channels) by pushbutton or it will select the strongest of the five signals automatically when traveling through different areas of the country. It will automatically override any other programming you may be listening to, such as commercial FM, AM, or a CD or cassette.

To fulfill all of these demands requires a number of electronic techniques and circuits presently in use in other electronic devices. Does the fact that the Homeland Security FM Emergency receiver I envision *does not include new electronic circuitry alone*, make it ineligible of receiving a U.S. patent? Your just answering that one question might save us both considerable time.

Sincerely yours,

William Hubbard



Office Action Summary

Application No.

10/720,232

Applicant(s)

HUBBARD, WILLIAM

Examiner

Adeel Haroon

Art Unit

2685

THE MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) 1 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1 is drawn to an emergency communication, classified in class 455, subclass 404.1.
 - II. Claim 2 is drawn to a FM channel separation control, classified in class 381, subclass 10.
 - III. Claim 3 is drawn to a message notification receiver, classified in class 455, subclass 412.2.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, all three inventions have distinct and separate functions. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with William Hubbard on 3/6/06 a provisional election was made without traverse to prosecute the invention of group II, claim 2. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 1 and 3 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

The first paragraph on page 9 is improper since it is not a claim but a narrative opinion of the applicant. This paragraph must be removed from the claim-listing page.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sweatt (U.S. 2004/0110485) in view of Ito et al. (U.S. 2003/0092406).

With respect to claim 2, Sweatt discloses a homeland security emergency fm receiver, element number 18 that receives both emergency warnings and national/local news (Paragraph 12 and 13). Sweatt does not disclose using the left and right stereo channels to transmit and receive these different types of information. However, Ito et al. discloses a method to transmit two independent audio signals, 100 and 101, in figure 1

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and receive two independent information signals, 229 and 230 in figure 3, in the left and right stereo channel of the same frequency band (Paragraph 45 and 66). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Ito et al.'s modulation/demodulation technique to Sweatt's system in order to provide "a radio communication system having high spectrum utilization efficiency and capable of achieving significantly greater narrowing of occupied bandwidth and channel spacing" (Ito et al. Paragraph 17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adeel Haroon whose telephone number is (571) 272-7405. The examiner can normally be reached on Monday thru Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH
3/8/06

Nguyen Vo
3-15-2006

**NGUYENT.VO
PRIMARY EXAMINER**

Notice of References Cited

Application/Control No.

10/720,232

Applicant(s)/Patent Under

Reexamination

HUBBARD, WILLIAM

Examiner

Adeel Haroon

Art Unit

2685

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0110485	06-2004	Sweatt, Larry G.	455/404.1
*	B	US-2003/0092406	05-2003	Ito et al.	455/126
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.